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Security Council

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Report of the Secretary-General pursuant to paragraph 5 of resolution 1762 (2007)

I. Introduction

1. In its resolution 1762 (2007) of 29 June 2007, the Security Council terminated the mandates of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in relation to Iraq under relevant Council resolutions. In paragraph 5 of resolution 1762 (2007), the Council also requested the Secretary-General to report within three months on steps taken to provide for the appropriate disposition of UNMOVIC archives and other property under arrangements ensuring, in particular, that sensitive proliferation information or information provided in confidence by Member States is kept under strict control.

2. The present report outlines the steps taken in that regard in the past three months, the work that is still outstanding and an estimate of the time and human and financial resources required for the completion of the task assigned by the Council for the appropriate disposition of the archives and other property.

II. Archives

3. UNMOVIC archives are contained in a variety of media: paper, electronic records, tapes, films and artefacts. The archives include those of the United Nations Special Commission, the predecessor of UNMOVIC, that were taken over by UNMOVIC pursuant to the provisions of paragraph 11 of resolution 1284 (1999). Together, all archives will hereinafter be referred to as the UNMOVIC archives. They comprise some 1,400 linear feet of documents, 80 gigabytes of electronic records and 400 gigabytes of Geographic Information System data.

4. UNMOVIC documents consist mainly of the following categories of information:

(a) Inspection materials, including planning and operational documents, and daily and final inspection reports;

(b) Declarations and related documents provided by Iraq;

(c) Non-public working papers, including analyses and assessments and other materials prepared during the course of UNMOVIC activities;

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(d) Reports and letters of Iraq, the Special Commission and UNMOVIC, published as documents of the Council, as well as the correspondence of the Executive Chairmen;

(e) Information obtained from Member States, corporate entities and individuals containing, inter alia, intelligence information and information about suppliers to Iraq;

(f) Administrative, personnel and financial records.

5. In paragraph 5 of resolution 1762 (2007), the Council referred to two categories of information in UNMOVIC archives that it particularly wished to keep under strict control and thus to protect from wider dissemination: (a) sensitive proliferation information; and (b) information provided in confidence by Member States.

6. Since the adoption of resolution 1762 (2007), attention has been focused on fulfilling the Council's wishes as noted above. No clear dividing line can be drawn between sensitive proliferation information and information provided in confidence by Member States since there is overlap between the two categories.

Sensitive proliferation information

7. Broadly stated, any information that may assist a country, individual or other entity to develop weapons of mass destruction or long-range missiles has been treated as sensitive proliferation information requiring protection with regard to access thereto. This encompasses, for example, information relating to technology, research, production and storage, particular compositions of bacterial growth media for producing biological warfare agents, the technical details of the production and weaponization of chemical warfare agents and the technical specifications and production parameters for long-range missiles.

8. While not exhaustive, the list below includes some examples of sensitive proliferation information contained in the UNMOVIC archives:

(a) Declarations by Iraq (full, final and complete disclosures submitted to the Special Commission and the currently accurate, full and complete declaration submitted to UNMOVIC) and other related documents, such as letters submitted by Iraq seeking to clarify unresolved disarmament issues;

(b) Procurement-related documents;

(c) "Cookbooks", blueprints, production processes and test results;

(d) Inspection reports.

9. On at least three occasions, UNMOVIC has, after advising the Council, removed sensitive information from certain documents prior to their wider release. The most notable instance was in December 2002 with respect to the currently accurate, full and complete declaration that Iraq submitted pursuant to paragraph 3 of Council resolution 1441 (2002). On that occasion, UNMOVIC developed guidelines that it used to redact proliferation and other sensitive information from the declaration before it was circulated to non-permanent members of the Council. The guidelines were subsequently applied in the preparation of the UNMOVIC compendium of Iraq's proscribed weapons programmes in the chemical, biological and missile areas, which was placed on the UNMOVIC website on 28 June 2007,

and also the summary of the compendium that was earlier released as a Council document (S/2006/420). The guidelines were also applied when responding to the request of the Government of Iraq in April 2006 for information on its chemical weapons programme to allow Iraq to complete an initial declaration required under the Chemical Weapons Convention.

Information provided in confidence by Member States

10. As stated above, some information provided in confidence by Member States also falls within the category of sensitive information and therefore is also covered by paragraph 5 of resolution 1762 (2007). Examples of this category include:

(a) Intelligence information;

(b) Information from Governments regarding past supplies of equipment and material to Iraq;

(c) Export/import notifications (of the sale or supply of dual-use items and material) under Security Council resolution 1051 (1996);

(d) Overhead imagery, such as that from satellites and U-2 Mirage aircraft.

Other sensitive information

11. In addition to the two above-mentioned categories, the names of individuals, companies and countries that supplied Iraq with material used in weapons of mass destruction programmes by the former regime are deemed sensitive, as are the names of Iraqi personnel involved in such programmes in Iraq.

Organization of material

12. Given the volume and diversity of the material involved, it has not been possible to fully organize the transfer of individual documents to the Archives and Records Management Section. Although such a transfer would allow fuller and easier retrieval of documents in the future, it would require at least a year to complete the project. Instead, the organization of the archives has centred on the storage of folders in boxes of collections of similar documents. Each folder has a description of its contents, and each box also has an inventory of the folders it contains. A database with those descriptions and associated software has been established. This system makes it possible to locate boxes and their relevant folders on a specific issue. Work has already been under way along these lines for the past three months. In sum, approximately 4,000 folders have been completed and 500 boxes have been filled, representing some 50 per cent of the paper archives and roughly one third of the overall project. Meetings have been held between UNMOVIC and the Archives and Records Management Section to give the latter a better picture of the organization and nature of the UNMOVIC archives and to discuss a work plan proposed by the Section. The two bodies are also working on a retention schedule to be applied to the archives.

Classification guidelines

13. The guidelines mentioned in paragraph 9 above and which were applied on earlier occasions have also been followed in this instance. The work has also been guided by the principles set out in the Secretary-General's bulletins

(ST/SGB/2007/5 and ST/SGB/2007/6), which deal with record keeping and management of United Nations archives and information sensitivity, classification and handling. When the guidelines are applied at the collection level, it emerges that the bulk of the archive has been classified as strictly confidential. Some other parts of the archive, such as inspection planning documents, internal working studies and memoranda, have been classified as confidential. The rest of the information in the archives, such as documents of the College of Commissioners and open source material, has been marked unclassified.

Access to UNMOVIC archives

14. Given the Council's view that proliferation and other sensitive information and information provided in confidence by Member States (which is classified as strictly confidential or confidential) should be kept under strict control, it is proposed that access to this information be restricted, in the first instance, for a period of 20 years. At the end of that period, in accordance with ST/SGB/2007/6, documents marked confidential will be declassified, therefore open to general viewing. Documents that are marked strictly confidential will be reviewed at the end of that period at five-year intervals to determine whether they should continue to remain strictly confidential or should be declassified also.

Privileged access to UNMOVIC archives

15. Without prejudice to the restrictions referred to in paragraph 14 above, and unless the Security Council decides otherwise, earlier access to documents marked strictly confidential or confidential may be permitted in specific cases by the Secretary-General to Member States and relevant international organizations, such as IAEA, the Organisation for the Prohibition of Chemical Weapons, and the United Nations Environment Programme. It may be necessary at an appropriate stage to consider the desirability of designating a unit within the Secretariat to handle such cases as well as the periodic reviews mentioned in paragraph 14 above. Given the sensitivity of the material and the non-availability over time of experts familiar with the documentation, however, the Council might wish to keep these documents sealed for an initial period of 20 years, with no possibility of exceptional early access. A bulletin of the Secretary-General governing the management, preservation, storage and use of and access to the UNMOVIC records is currently in preparation. If exceptional access is to be granted to the archives, rules regulating such access will be included in the bulletin, which will be finalized once the Security Council has provided its guidance on the regime proposed in the present report.

Human and financial resource implications

16. The implementation of the collection system of archiving should, under current staffing levels, result in expeditious completion of the archives. Staffing levels are expected, however, to decline because of the progressive departure of staff during this liquidation phase. Some use of temporary assistance is anticipated to avoid delays in the completion of the work on the archives. The related financial implications to cover the liquidation costs arising under resolution 1762 (2007) have required the reservation of obligations so that the planned transfer of unencumbered funds in the account established pursuant to paragraph 8 (e) of resolution 986 (1995) to the Government of Iraq through the Development Fund for Iraq can be effected as of September 2007. The staffing level of UNMOVIC has been reduced from

38 Professional and 11 support staff to a current level of 17 Professional and 6 support staff. That level is expected to be further reduced to 15 Professionals in the near future, though the support staff levels will remain unchanged during the liquidation. Pursuant to paragraph 6 of resolution 1762 (2007), the sum of $36.5 million has been encumbered. Most of the encumbered funds ($24.5 million) represent final payment for services rendered to the Special Commission, as envisaged in paragraph 6 of that resolution. The remaining balance of $12 million represents estimated expenditure to complete the liquidation process. Such expenditure will include costs incurred by the Archives and Records Management Section (such as facility and security upgrades, archival supplies and human resources), separation and after-service care costs, rent, security costs and costs incurred in connection with the disposition of UNMOVIC property. Accordingly, about $25.1 million will be available for transfer to the Development Fund for Iraq before 29 September 2007.

UNMOVIC website

17. The UNMOVIC website (www.un.org/Depts/unmovic) is an integral part of the UNMOVIC archives. It contains the texts of relevant resolutions, all UNMOVIC quarterly reports, Security Council briefings and other background information on the activities of UNMOVIC, principally the compendium of Iraq's proscribed weapons programmes. It is in the public interest that this unique and voluminous collection of information be maintained in one single place (as in the case of the website of the Special Commission). It is proposed that the Department of Public Information, in conjunction with the Information Technology Services Division, maintain the UNMOVIC website.

Transfer of archives

18. Following the classification and organization of its records, UNMOVIC will transfer all of them to the Archives and Records Management Section of the Office of Central Support Services, which will in turn transfer them to permanent storage in the archives of the United Nations. The Section will take steps, whenever necessary, to maintain, preserve and repair the records for continued storage.

Electronic records

19. In cooperation with the Archives and Records Management Section, work is also under way to document and describe UNMOVIC electronic records and databases to permit their future management. Once completed, the electronic data will be transferred from UNMOVIC to the Section which will store them on a secure non-networked storage device. The existing electronic data will need to be maintained and upgraded as necessary by the Section to take account of technological advances and to ensure that the records remain viable. In individual cases, access will be granted to electronic data in the same manner as to hard copy records.

III. Property

20. At the time of the termination of the UNMOVIC mandate, non-expendable property with an acquisition value of approximately $11 million remained in Baghdad, Kuwait, Larnaca and New York. On 1 August, cases were submitted to the Headquarters Property Survey Board, with the recommendation, inter alia, that equipment should be sold, returned to stock or donated to other agencies.

21. There are approximately 29 different categories of inspection-related equipment that carry some kind of export restriction or end-user certificate. Much of the protective gear and detection and sampling equipment was supplied with restrictions against transfer. This property has been advertised to the United Nations community as possibly available to those organizations qualifying under the various restrictions. The Department of Safety and Security has expressed an interest in obtaining much of the equipment. In addition, UNMOVIC is in the process of contacting the manufacturers of the equipment to determine whether they would be willing to buy it back.

22. On 27 August 2007, Hoshyar Zebari, the Minister for Foreign Affairs of Iraq, wrote to the Secretary-General requesting the return to Iraq of non-sensitive items and assets, such as equipment that had been purchased with funds from the escrow account.

23. In a letter dated 25 September, the Secretary-General informed the Minister that the Headquarters Property Survey Board had considered the disposition of various categories of UNMOVIC property and provided recommendations thereon in accordance with the applicable Financial Regulations and Rules of the United Nations. The Government of Iraq has been given lists of property and offered first right of refusal to receive UNMOVIC property that is not sensitive or subject to export controls or other end-use restrictions. The property includes non-sensitive United Nations-owned assets comprising communications, engineering, inspection, medical, supply, transport and office equipment, office furniture, computers, printers, fax machines, generators, air conditioners, filing cabinets, photocopiers, refrigerators, projectors, safes, shredders, televisions, video recorders, audio-visual equipment, power supply units and laboratory test equipment and supplies. UNMOVIC is also seeking the advice of various Governments as to whether export restrictions can be lifted on certain equipment in order to make it also available to Iraq.

24. The collection of inert and non-hazardous weapons artefacts, remnants of the actual weapons that United Nations inspectors took possession of during inspection activities in Iraq, has been offered to relevant United Nations agencies. A list of such items is currently being considered to determine which of them should be retained by the Organization for historical purposes. All remaining items not transferred to other United Nations entities will be destroyed under United Nations supervision.

25. UNAMI staff in Kuwait and Baghdad and UNFICYP staff in Cyprus are cooperating to help dispose of surplus and unserviceable equipment at those locations not wanted by the Government of Iraq, in accordance with rule 105.22 (ST/SGB/2003/7).

IV. Other developments

26. On 24 August 2007, while archiving the files of UNMOVIC, staff members discovered two small packages containing metal and glass containers with unknown liquid substances. The archives are located at UNMOVIC headquarters on the 3rd and 6th floors of 866 United Nations Plaza. An initial investigation revealed that the items had been recovered from the former Iraqi chemical weapons facility in Al-Muthanna by United Nations inspectors in 1996. On 29 August, the inspection report containing an inventory of the items was recovered. The inventory showed that one item may have contained phosgene ($COCl_2$) suspended in oil. Phosgene is an old-generation chemical warfare agent and also a dual-use chemical. The inventory also indicated that the other package contained nuclear magnetic resonance reference standards in sealed glass tubes.

27. Following the discovery of these items, UNMOVIC chemical weapons experts sealed the packages and placed them in a safe, which was then isolated in a secured room on the 6th floor of the building. The experts also tested the environment surrounding the packages by means of a portable chemical detector and found no concentration of toxic vapours in the air. There was no immediate danger and UNMOVIC staff continued to work in their premises. The Department of Safety and Security secured the room and stationed a security officer outside UNMOVIC premises on a 24-hour basis. Other security measures have been taken by the Department to enhance physical security of the premises.

28. On 29 August, the members of the Security Council and the host Government were informed of the discovery; the following day, steps were taken to have the material safely recovered and disposed of. The United States authorities conducted an analysis of the material removed from the UNMOVIC premises and concluded that it did not contain any harmful substances.

29. On 31 August, the Secretary-General stated that he took very seriously the late discovery of potentially hazardous material at the UNMOVIC offices. He sought and was given confirmation that the materials that had been in the custody of UNMOVIC posed no risk to the general population and that all necessary measures continued to be taken. He also gave immediate instructions for an internal investigation to be conducted with the aid of external expertise.

30. A three-member fact-finding panel was formed involving outside expertise. The panel has begun its investigation and will endeavour to finish its work by the end of October 2007.

31. The task entrusted to the panel was to ascertain the following:

(a) The circumstances under which the substances in question were brought to Headquarters in New York;

(b) The inspection team members involved in the transportation of relevant materials from Iraq, and other details, including dates, mode of transportation, documentation and shipping routes;

(c) Why the presence of the items was discovered only in 2007 and not earlier;

(d) The safety procedures in place at Headquarters and in the field offices (concerning, for example, storage, handling, access and chain of custody) and the extent to which those procedures were followed.

32. The panel has been requested to provide a factual report on its findings and recommendations to the Secretary-General. Given that the need for the panel arose from the conduct of UNMOVIC and Special Commission operations, the costs of the panel are to be met by the Iraq escrow account.

33. Notwithstanding the establishment of the panel, work is continuing with regard to the implementation of resolution 1762 (2007). The findings of the panel may have an impact on the time frame for the completion of the disposition of the archives and property.

V. Conclusion

34. Much has been done in the past three months to implement the decisions of the Council, as expressed in paragraph 5 of resolution 1762 (2007), with regard to the disposition of UNMOVIC archives and other property. In both cases, every effort has been made to complete the tasks entrusted to the Secretary-General as speedily as possible and in a cost-effective manner to minimize the charge to the Iraq escrow account. A more detailed approach, particularly with regard to the disposition of the archives, might have been adopted leading to the organization and retrieval of material in the archives at the individual document level, instead of at the collections level, which has been followed to date. This, however, would have required certainty at the outset as to the time and financial and human resources that would be available for the completion of the tasks. Given these and other constraints referred to in the present report, the collections method that was adopted and has been followed in the past three months seemed the only realistic option. Steps have also been taken to give the Government of Iraq the first right of refusal with regard to non-sensitive property of UNMOVIC.

35. Some of the steps being taken have underlying policy implications, and the guidance of the Council would be welcome on them. Three matters in particular might be mentioned here. The first is the duration for which the bulk of the material will be kept sealed. The standard United Nations practice is to seal archives for 20 years, but special regimes of longer duration have been established in specific cases (for example, for the Independent Inquiry Committee and the Compensation Commission). The second is whether earlier (privileged) access should be permitted to the sealed documents in individual cases. The third is whether a suitable unit within the Secretariat should be designated to advise the Secretary-General on such cases.